

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS,
EASTERN DIVISION

QUINN HEATH

Plaintiff,

v.

DEPARTMENT OF DEFENSE

Defendant.

Civil Action No. 1:22-cv-11811-AK

PLAINTIFF’S REQUEST FOR ENTRY OF DEFAULT

Plaintiff Quinn Heath respectfully requests the court clerk enter a default against defendant, pursuant to Federal Rule of Civil Procedure 55.

A. INTRODUCTION

1. Plaintiff is individual Quinn Heath.
2. Defendant is the Department of Defense, an agency of the United States.
3. On October 23, 2022, Plaintiff sued Defendant for failure to search for and disclose a single record pursuant to 5 U.S.C. § 552 et seq. (hereinafter, the “Freedom of Information Act”). Plaintiff filed a complaint with the Court on October 23, 2022.
4. On October 25, 2022, Defendant was served with a summons and a copy of Plaintiff’s complaint by certified mail. Proof of mailing and digital receipt confirming delivery are

attached as Exhibit A.

5. Defendant did not file a responsive pleading or otherwise defend the suit by November 28, 2022.
6. Plaintiff is entitled to entry of default.

B. ARGUMENT

7. The court clerk must enter a default against a party who has not filed a responsive pleading or otherwise defended the suit. Fed. R. Civ. P. 55(a); see United States v. \$23,000 in United States Currency, 356 F.3d 157, 163 (1st Cir. 2004).
8. The clerk should enter a default against Defendant because Defendant, a U.S. agency, did not “serve an answer or otherwise plead . . . within thirty days after service upon the defendant[.]” See 5 U.S.C. § 552(a)(4)(C).
9. The thirty-day deadline pursuant to 5 U.S.C. § 552(a)(4)(C), accounting for extensions required under Fed. R. Civ. P. 6(a), tolled on November 28, 2022.
10. The clerk should enter a default against Defendant because Defendant did not otherwise defend the suit. Fed. R. Civ. P. 55(a).
11. Plaintiff meets the procedural requirements for obtaining an entry of default from the clerk as demonstrated by Plaintiff Quinn Heath’s sworn declaration, attached as Exhibit B.

C. CONCLUSION

10. As Defendant has failed to respond to this suit by November 28, 2022, Plaintiff asks the clerk to enter a default in favor of plaintiff.

Respectfully submitted this 29th day of November,

/s/ Quinn Heath

Quinn Heath, Esq.
MA Bar #709258
476 Windsor St.
Apt. 1
Cambridge, MA 02141
(617) 468-8343
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Pro Se

EXHIBIT A

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District of Massachusetts
John Joseph Moakley Courthouse
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Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

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Postage \$2.40 10/25/2022

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Office of General Counsel
1000 Defense Pentagon
Washington, DC 20301

Tracking Number:

Remo

70211970000206570146

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Latest Update

Your item was delivered to the front desk, reception area, or mail room at 11:11 am on October 26, 2022 in BOSTON, MA 02210.

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**Delivered****Delivered, Front Desk/Reception/Mail Room**

BOSTON, MA 02210

October 26, 2022, 11:11 am

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Product Information



Tracking Number:

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70211970000206570153

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Latest Update

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WASHINGTON, DC 20530

October 28, 2022, 5:06 am

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Delivered

Delivered, Individual Picked Up at Postal Facility

WASHINGTON, DC 20310

October 27, 2022, 11:22 am

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EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS,
EASTERN DIVISION

QUINN HEATH

Plaintiff,

v.

DEPARTMENT OF DEFENSE

Defendant.

Civil Action No. 1:22-cv-11811-AK

PLAINTIFF'S AFFIDAVIT
IN SUPPORT OF ENTRY OF DEFAULT

1. I am the individual Quinn Heath, Plaintiff in the captioned action.
2. I certify that I served the summons and a copy of the Complaint by certified mail on

October 25, 2022, on each of the parties listed below:

Civil Process Clerk
United States Attorney's Office, District of Massachusetts
John Joseph Moakley Courthouse
One Courthouse Way, Suite 9200
Boston, MA 02210

Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

U.S. Department of Defense
Office of General Counsel
1000 Defense Pentagon
Washington, DC 20301

3. The Freedom of Information Act requires an answer to be filed within thirty (30) days of Service. Fed. R. Civ. P. 6(d) provides an additional three days response to documents served by mail. Fed. R. Civ. P. 6(a)(1)(C) provides for deadlines that fall on a weekend to be tolled to the next business day. Therefore, an Answer was due by Defendant on November 28, 2022.
4. I received and have attached three certified mail receipts from the U.S. Postal Service with postal tracking information.
5. I reviewed and have attached three U.S. Postal Service postage tracking printouts and confirmed that all three parcels were delivered to the addresses listed above.

I declare under penalty of perjury on this 29th day of November that the foregoing is true and correct.

/s/ Quinn Heath

Quinn Heath, Esq.
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476 Windsor St.
Apt. 1
Cambridge, MA 02141
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Pro Se